

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY (Newark)**

=====:
PAULA JENSEN, on behalf of herself :
and all others similarly situated : **2:13-cv-01712-SDW-MCA**
Plaintiff :
vs. :
PRESSLER & PRESSLER, LLP, :
MIDLAND FUNDING, LLC; and DOES :
1-100, inclusive, : **STIPULATION OF FACTS AND**
Defendants : **EXHIBITS FOR SUMMARY**
: **JUDGMENT MOTION**
=====:

Pursuant to the agreement of the parties reached during the Rule 16 conference conducted on June 13, 2013, the parties, solely for the purposes of filing motions for summary judgment, hereby stipulate and agree to the following:

1. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
2. Defendants, Pressler and Pressler, LLP (“P&P”) and Midland Funding, LLC (“Midland”), are “debt collectors” as defined by 15 U.S.C. §1692a(6).
3. The Bank of America account ending in “8864” (the “Account”) that is the subject of the underlying State Court Action is a consumer “debt” as defined by 15 U.S.C. §1692a(5).
4. On December 9, 2011, Pressler filed a complaint on behalf of Midland regarding the Account titled Midland Funding, LLC v. Paula Jensen bearing docket number DC-003230-11 in the Superior Court of New Jersey, Law Division, Special Civil Part, Warren County (the “State Court Action”). Annexed hereto as **Exhibit A** is a true and accurate copy of the Complaint filed December 9, 2011 obtained from the state court’s Judiciary Electronic Filing and Imaging System (“JEFIS”), JEFIS Index No. 1.

5. Judgment by default was subsequently entered against Plaintiff in the State Court Action on February 22, 2012 in the amount of \$5,965.82. Annexed hereto as **Exhibit B** is a true and accurate copy of the Warren County Special Civil Part Judgment card obtained from JEFIS (JEFIS Index No. 6).

6. The Judgment in the State Court Action was subsequently docketed in the Law Division of the Superior Court of New Jersey under docket number DJ-075397-12 on April 9, 2012.

7. On December 12, 2012, Pressler sent an Information Subpoena and written questions to Plaintiff in the State Court Action. Annexed hereto as one **Exhibit C** is a true and accurate copy of the Information Subpoena and written questions sent to Plaintiff.

8. Annexed hereto as **Exhibit D** is a true and accurate copy of the Appendix XI-L Information Subpoena and Written Questions obtained from the New Jersey Court's website *available at* <http://www.judiciary.state.nj.us/rules/> under the "Appendices" section.

9. Joanne D'Aurizio, Esquire is an attorney at Pressler.

10. Terrence D. Lee was never a Superior Court Clerk in the state of New Jersey.

11. Terrence D. Lee was the Warren County Clerk which is an elected position unrelated to the position of Superior Court Clerk.

12. Terrence D. Lee has been retired from his position as Warren County Clerk for six years.

13. Terrence D. Lee did not authorize or approve the Information Subpoena Pressler sent to Plaintiff.

14. Terrence D. Lee did not authorize or permit Pressler to sign his name.

15. On January 15, 2013 Plaintiff responded to the Information Subpoena writing: "The letter advised me to contact the county clerk, Terrance Lee, with any questions. . . I was very surprised as he is a personal friend and know he is no longer employed in this capacity." Terrence D. Lee's name appeared on the information subpoena sent by Pressler (Exhibit C). Annexed hereto as **Exhibit E** is a true and accurate copy of a letter sent by Plaintiff to P&P dated January 15, 2013.

16. Plaintiff subsequently answered the information subpoena and written questions sent to her by Pressler.

17. Plaintiff filed a motion to vacate the judgment entered in the State Court Action on February 12, 2013 which was denied by Order of March 1, 2013. The State Court Action judgment remains in full force.

18. The federal complaint in the instant matter was filed on March 19, 2013. (ECF Doc. 1). Annexed hereto as **Exhibit F** is a true and accurate copy of the complaint in the instant matter.

Dated: September 3, 2013

s/Mitchell L Williamson
Mitchell L. Williamson, Esq.
Pressler and Pressler, LLP
Attorneys for Defendant:
Pressler & Pressler, LLP
7 Entin Road
Parsippany, NJ 07054
Phone: 973-753-5100
mwilliamson@pressler-pressler.com

s/Sofia Balile
Sofia Balile, Esq.
Lemberg and Associates
Attorneys for Plaintiff,
Carlos Orellana-Sanchez
1100 Summer Street, 3rd Floor
Stamford, CT 06905
Phone: 203-653-2250
sofia.balile@gmail.com

s/Andrew M. Schwartz
Andrew M. Schwartz, Esq.
Marshall Dennehey Warner, Coleman & Goggin, P.C.
Attorneys for Defendant:
Midland Funding, LLC
2000 Market Street, Suite 2300
Philadelphia, PA 19103
Phone: 215-575-2765
Amschwartz@mdwcg.com